

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

STELLA BENSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:20-cv-561
	)	
SUNBEAM PRODUCTS, INC., a Corporation,	)	
	)	Jury Trial Demanded
Defendant.	)	

**NOTICE OF REMOVAL ON BEHALF OF DEFENDANT**  
**SUNBEAM PRODUCTS, INC.**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION:

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant SUNBEAM PRODUCTS, INC. (hereinafter “Sunbeam,”) by and through its attorneys, GOLDBERG SEGALLA LLP, submits this Notice of Removal from the Circuit Court of The City of St. Louis, Twenty Second Judicial Circuit, in which this matter is now pending as “*Stella Benson v. Sunbeam Products, Inc.*” 2022-CC00591,” to the United States District Court for the Eastern District of Missouri, Eastern Division. In support of this Notice, Sunbeam states as follows:

**Nature of Action**

1. This is an action for personal injury damages arising from an alleged incident with a Mr. Coffee Model BVMC-KG1 that occurred on April 26, 2018. Plaintiffs’ complaint alleges damages based upon product liability.

2. Plaintiffs commenced this action on March 17, 2020, by filing a Complaint in the Circuit Court of The City of St. Louis, Twenty Second Judicial Circuit as: “*Stella Benson v. Sunbeam Products, Inc.*.. 2022-CC00591.”

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Sunbeam are attached to this Notice of Removal.

#### **Timeliness of Removal**

4. Defendant Sunbeam was first served with Summons and Complaint on March 23, 2020. Attached as **Exhibit A** is a copy of the Proof of Service and Complaint as served upon Sunbeam.

5. This Notice of Removal is being filed within thirty (30) days after receipt of the Complaint by Sunbeam, and is, therefore timely pursuant to 28 U.S.C. § 1446(b).

#### **Amount in Controversy**

6. Plaintiff brings this action to recover personal injury damages allegedly suffered during an incident with a Mr. Coffee Maker, which occurred on April 26, 2018. Plaintiff’s Complaint alleges she did “sustain great pain, anguish of mind, loss of the pleasures and enjoyment of life and damages which are permanent and progressive and in excess of Twenty Five Thousand Dollars (\$25,000.00).” Plaintiff’s counsel will not stipulate to damages in an amount under \$75,000.00. The proponent of jurisdiction has the burden of showing by a preponderance of the evidence facts that suggest the amount-in-controversy requirement is met. *Oshana v. Coca-Cola Co.*, 472 F.3d 506, 511 (7th Cir. 2006). A good-faith estimate of the stakes is acceptable if it is plausible and supported by a preponderance of the evidence. *Id.* at 511.

**Diversity of Citizenship**

7. Upon information and belief, at the time this action was commenced, and at all times relevant, upon information and belief, Plaintiff, Stella Benson was a resident and citizen of the State of Missouri, County of St. Louis.

8. At the time this action was commenced, and at all times relevant, Defendant, Sunbeam Products, Inc., was a Delaware Corporation with its principal place of business in Boca Raton, Florida.

9. Accordingly, pursuant to 28 U.S.C. § 1332(a), complete diversity exists between the parties in this action since the Plaintiff and Defendant are citizens of different states.

**Request for Removal**

10. The United States District Court for the Eastern District of Missouri, Eastern Division, has original jurisdiction in this matter as there is diversity of citizenship between the parties and, as shown above, the amount in controversy exceeds \$75,000. Therefore, removal is proper pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

11. Sunbeam will serve written notice upon Plaintiff and the Clerk of the Circuit Court of the City of St. Louis, Twenty Second Judicial Circuit, that this Notice of Removal is being filed in the District Court for the Eastern District of Missouri, Eastern Division.

12. Removal to the United States District Court for the Eastern District of Missouri, Eastern Division, is proper under 28 U.S.C. §1441(a), because the state court where the suit has been pending is located within this district.

WHEREFORE Defendant Sunbeam Products, Inc. prays that the action captioned “*Stella Benson v. Sunbeam Products, Inc.. 2022-CC00591*” be removed from the Circuit Court of The

City of St. Louis, Twenty Second Judicial Circuit to the United States District Court for the Eastern District of Missouri, Eastern Division.

Respectfully submitted,

GOLDBERG SEGALLA LLP

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**CERTIFICATE OF SERVICE**

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I hereby certify that on April 20, 2020, I electronically filed the ***NOTICE OF REMOVAL ON BEHALF OF DEFENDANT, SUNBEAM PRODUCTS, INC.*** with the United States District Court – Eastern District of Missouri.

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